

# MANDATE

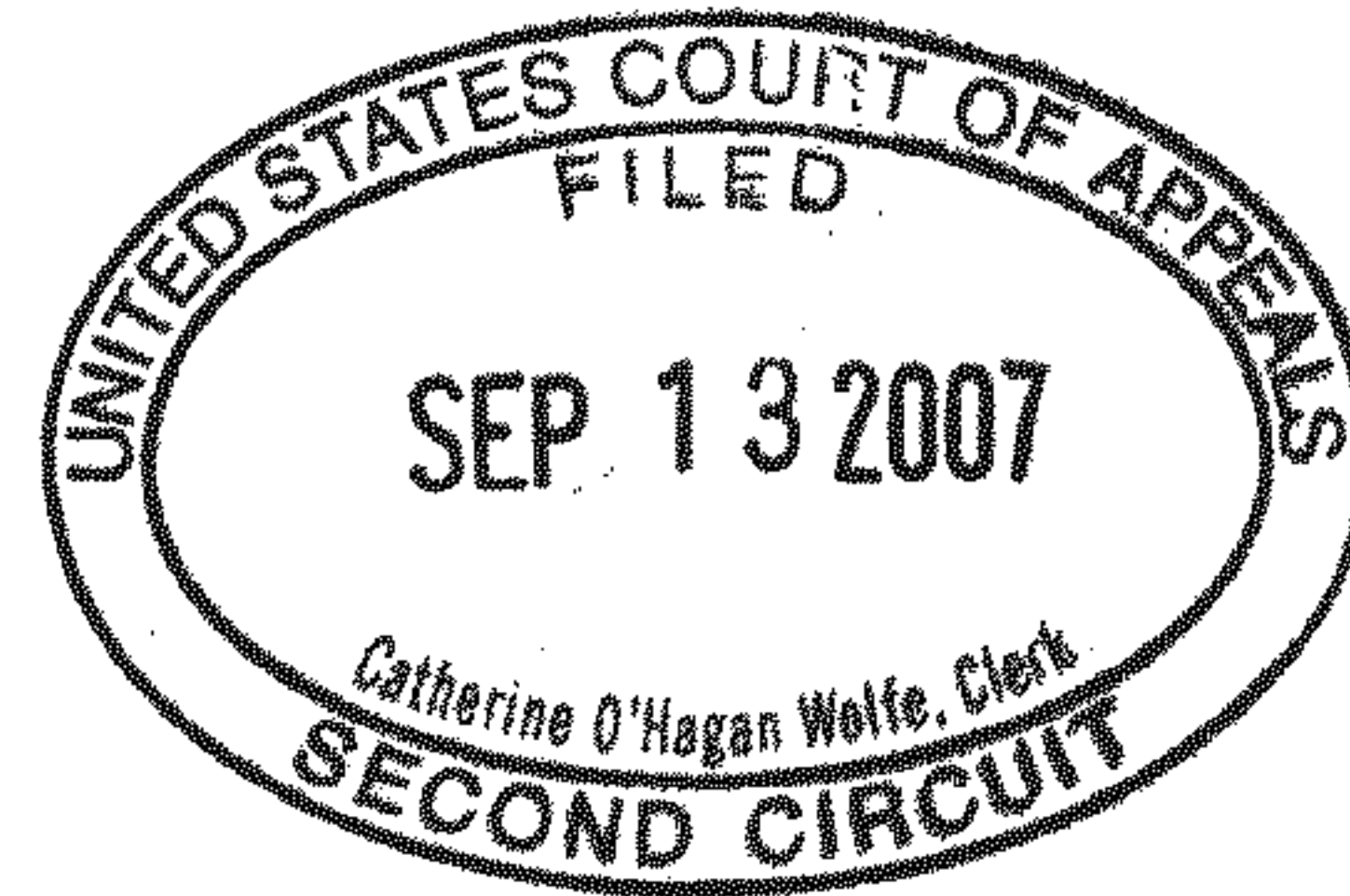
S.D.N.Y.-N.Y.C.  
07-cv-3004  
Wood, C.J.

## United States Court of Appeals FOR THE SECOND CIRCUIT

At a stated term of the United States Court of Appeals for the Second Circuit, held at the Daniel Patrick Moynihan United States Courthouse, 500 Pearl Street, in the City of New York, on the 13<sup>th</sup> day of Sept. , two thousand seven,

Present:

Hon. Chester J. Straub,  
Hon. Barrington D. Parker,  
*Circuit Judges,*  
Hon. Charles L. Brieant, Jr.,  
*District Judge.*



Ellwood McKiver,

*Plaintiff-Appellant,*

v.

07-2512-cv

New York City Police Department, *et al.*,


*Defendants-Appellees.*

Appellant, *pro se*, moves for leave to proceed *in forma pauperis* and for appointment of counsel. Upon due consideration, it is hereby ORDERED that the motions are DENIED and the appeal is DISMISSED because it lacks an arguable basis in law or fact. *See Neitzke v. Williams*, 490 U.S. 319, 325 (1989); 28 U.S.C. § 1915(e).

FOR THE COURT:

Catherine O'Hagan Wolfe, Clerk

By:

  
Oliva M. George, Deputy Clerk

\*The Honorable Charles L. Brieant, Jr., Senior District Judge of the United States District Court for the Southern District of New York, sitting by designation.

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Catherine O'Hagan Wolfe, Clerk

by

  
DEPUTY CLERK

Issued as Mandate

OCT 15 2007